

**EXHIBIT A**



Elum Lammard Court

Sub - IV

CS-118/24

A3422/h 1143/20h

A3423/h 1142/20h

DT

FROM

HS-4612/20h

CENTRAL NAZIR

D2295/24

DISTRICT COURT

BRUNAKULAN

KOCHI - 682011

Speed post with 1019

To

APPLE INDIA PVT LTD

19th Floor, Iconic Towers,

UR City, No. 24, Vittal Mallya Road.

Bengaluru - 560001

Rep. by its Managing Director.

(12)





Ng 4/12/2024 W

NOTICE TO SHOW CAUSE (GENERAL FORM)

BEFORE THE Hon'ble Commercial COURT OF  
Ernakulam

I.A. No. 02 OF/20 24 in C.S. 118 of 20 24

Petitioners : VOIZZIT Technology Pvt-Ltd & another

Respondents : R7. Apple India pvt.Ltd.  
19th Floor, ConCord Tower C,  
UB City no-24, Vittal Mallya Road,  
Bengaluru - 56001, rep by its  
Managing Director

To

Whereas the above named has  
made application to this court that

You are hereby warned to appear in this court in person or by a  
pleader duly instructed on the 4<sup>th</sup>  
day of December 20 24 at 11'O clock in the forenoon  
to show cause against the application, failing where in the said application  
will be heard and determined as exparte.

Given under my hand the seal of the court, this the

22<sup>nd</sup> day of November 20 24

Advocate

Ernakulam

26/11/2024

By Order

Central Nazir

26/11/24

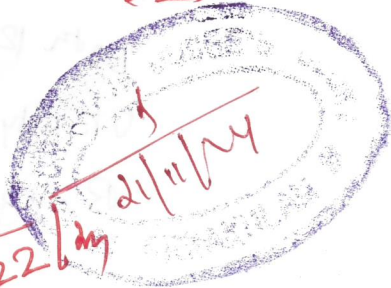
RD

IV

Elem Commercial Court

C-S. 128 /2024

02



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What to R7

19 - 4/11/2024

Breckner, A. Cheluv  
Schwartz



**BEFORE THE HONOURABLE COMMERCIAL COURT  
AT ERNAKULAM**

**C.S.No.                      of 2024**

Voizzit Technology Pvt. Ltd & anr : Plaintiff

 $V_S$ 

Think and Learn Pvt Ltd & others : Defendants

# AFFIDAVIT

I, Rajendran Vellappalath, Aged 51 years, S/o Balakrishnan Nair, Managing Director, Voizzit Technology Pvt. Ltd, 48/1391, 1C, Plumflower, Mather Constructions Pvt Ltd, Opposite Gold Souk, Vyttila, Ernakulam, Kerala, India, 682019, residing at Vellappalath House, Kanniparamba P.O, Mavoor Via, Kozhikode, Kerala, Pin - 673661, do hereby solemnly affirm and state as follows:

1. I am the Managing Director of the 1<sup>st</sup> and 2<sup>nd</sup> plaintiffs in the above suit. I am conversant with the facts of the case and I am competent to swear to this affidavit.
2. The above suit has been filed by the plaintiffs 1 and 2 have the absolute title and ownership over the domains and websites [www.getepic.com](http://www.getepic.com) and [www.playosmo.com](http://www.playosmo.com); Issue a Mandatory Injunction directing the defendants 3 to 7 to restore the domain

[www.getepic.com](http://www.getepic.com) and [www.playosmo.com](http://www.playosmo.com) and ensure its functioning in the platforms of defendants 3 to 7, so as to benefit the plaintiffs and other stakeholders including the subscribers and employees of the plaintiffs; Perpetual injunction restraining the defendants 1 to 7 from interfering with the access of the plaintiff 1 and 2 while exercising lawful right on the domains and websites [www.getepic.com](http://www.getepic.com) and [www.playosmo.com](http://www.playosmo.com) and for other ancillary relief's.

3. The 1<sup>st</sup> plaintiff is a legal entity having its registered office at Ernakulam and the 2<sup>nd</sup> plaintiff is a sister company of the 1<sup>st</sup> plaintiff having its registered office at UAE. The 1<sup>st</sup> defendant herein is a private limited company. The 2<sup>nd</sup> defendant is a Trustee appointed as per Chapter 11 Trustee of Epic Creations and Tangible Play without legitimate authority over the assets and operations which are validly owned by the plaintiffs. The 3<sup>rd</sup> defendant is the cloud service application platforms which is used by the Epic Creations and Tangible Play for the online education purposes. The 4<sup>th</sup> defendant is an agent for selling the platforms which is used by the Epic Creations and Tangible Play for online education purposes. The 5<sup>th</sup> defendant is the cloud service, application platforms which is used by the Epic Creations and Tangible Play for online education purposes. The 6<sup>th</sup> defendant is the operational services provider of the Epic Creations and Tangible Play.



4. The 2<sup>nd</sup> plaintiff had acquired the rights held by one Mr. Riju Raveendran who in turn had acquired the rights by way of a recovery clause in a loan agreement entered between Think and learn private Ltd, a limited company, who was the legitimate owners of two platforms listed on online namely 'Epic Creations Inc.' and the 'Tangible Play Inc'.
5. The Epic Creations and the Tangible Play are two online education platforms providing tutorials and other educational contents to its users on a prepaid manner by way of subscriptions. The subscriptions are collected by the 1<sup>st</sup> plaintiff on the strength of the promotion cum sale agreement entered on 1.08.2024. The 1<sup>st</sup> plaintiff has availed the services of a considerable number of employees and is providing subscriptions for nearly 8 lakh end users. The users can avail the services through the domains of Amazon Play, Google Play, and Apple Store etc.
6. The 2<sup>nd</sup> plaintiff has listed the products on the websites [www.getepic.com](http://www.getepic.com), and [www.playosmo.com](http://www.playosmo.com). In the domain of the companies in accordance with the terms stipulated by the service providers and, also by paying the remuneration. The plaintiffs were enjoying the rights as lawful owners of the applications till 25.10.2024, when the 1<sup>st</sup> plaintiff was denied the access to the 'Stripe account' with account ID

ACT\_1Q27TQBNCAhhXgkx has been transferred to jgrall@novo/-advisers.com.

7. The subsequent conduct of the service providers have rendered the entire activity of the Voizzit Information Technology as well as the 1<sup>st</sup> plaintiff to a standstill. The 1<sup>st</sup> plaintiff through 2<sup>nd</sup> plaintiff on an enquiry had identified that, the Stripe account ownership held in the name of the 2<sup>nd</sup> plaintiff is now illegally transferred to the name of 'jgrall'. The above mentioned name is noting but a mail id provided by novo advisers. The stripe account number held by the 2<sup>nd</sup> plaintiff has no connection with the novo advisors. The petitioner has not assented to any such transfer through any mode. The 2<sup>nd</sup> plaintiff had purchased the rights held by Mr. Riju Raveendran in Think and learn Private Ltd. by way of the deed" loan agreement dated 04.09.2023". The above loan agreement was having a default clause, and the creditor is having a right of conversion executable by issuance of a return notice.
8. Invoking the above legal mandate, the 2<sup>nd</sup> plaintiff had acquired the legitimate ownership of two portals promoting education and knowledge through mobile applications and other software held by the debtor Think and learn Pvt. Ltd namely, Epic Creations, Inc. and Tangible play, Inc. The Performa of the Epic and Tangible, and also the domain portfolio was held by the 2<sup>nd</sup>



plaintiff. Subsequently, on 01.08.2024, the 1<sup>st</sup> plaintiff and the 2<sup>nd</sup> plaintiff entered into sale agreement, and jointly enjoyed the benefits of the sale of the software and the user fee had been collected. It was at this juncture, the access to the plaintiff's portfolio registered with the service providers like Google Cloud platform, Amazon Web Services, Microsoft Azure, and The Cloud services, where ended abruptly without any notice.

9. The application providers are the platforms held by Apple Play Store, Google Play Store, and Amazon App Store till 25.10.2024. The applications and the products of the 2<sup>nd</sup> plaintiff marketed by the 1<sup>st</sup> plaintiff were available and accessible to the users of the domains. The plaintiffs on enquiry understood that on 29.10.2024, the Delaware bankruptcy Court in the United States appointed the 2<sup>nd</sup> defendant as Trustee for the US Subsidiaries under the Chapter 11 of the United States Bankruptcy Code. Based on the above appointment, the 2<sup>nd</sup> defendant applied for an authorization to enter into debtor in possession credit agreement for the purpose of availing credit facility from financing company to run the operations.
10. The application considered by the Delaware bankruptcy Court was filed by GLAS Trust Company LLC, claiming to be a creditor of a company registered in Delaware, named 'BYJUS'S ALPHA Inc'. The above Company is claiming to be the creditor to the 1<sup>st</sup>

defendant by way of an agreement dated 09.11.2021. The above application was opposed by the 2<sup>nd</sup> plaintiff raising the contention that the Epic Creations Inc. and the Tangible play Inc. are registered within the territorial jurisdiction of India, and the 2<sup>nd</sup> plaintiff has acquired the rights by virtue of a loan agreement. The predecessor in interest of the plaintiff is having an exclusive right. Moreover, the 2<sup>nd</sup> defendant has no legal right to claim authorization to enter into credit agreement. The GLAS Trust Company LLC, who had moved the Bankruptcy Court to appoint the Trustee was not having the requisite percentage of voting from the creditors as contemplated in the Bankruptcy Code. The 2<sup>nd</sup> plaintiff had also raised a contention that the Trustee who is appointed is claiming to be the representative of the majority creditors. The majority creditors of the 1<sup>st</sup> defendant have not concurred to the actions initiated by the 2<sup>nd</sup> defendant.

11. The facts being so, the attempt of the 2<sup>nd</sup> defendant is to procure an order and interfere in the business and to sell the Intellectual Properties and the websites to the rival companies at a nominal rate. The 2<sup>nd</sup> plaintiff had approached the legal forums and obtained the directions and judicial declarations to the effect that the 2<sup>nd</sup> plaintiff is the legal owner of the epic creations and the tangible play, which are operating the websites [www.getepic.com](http://www.getepic.com) and [www.playosmo.com](http://www.playosmo.com). Both websites are being operated by paying the requisite fees and other incidental charges payable



through 'Stripe'. The security and other precautionary measures are handled by the operating software management infrastructure named 'Cloudflare', and the domain management is held by the IT Company named 'Godaddy'. The 2<sup>nd</sup> defendant had issued communications claiming to be the owner of the site. The Epic Creations is functioning through the site [www.playosmo.com](http://www.playosmo.com), and the interference of the 2<sup>nd</sup> defendant has caused complete shutdown of the above site and has denied access even to the payment processing interface.

12. This has directly affected the business of the plaintiffs and also more than 50000 Educational Institutions, have lost their access to the materials and the subjects uploaded through the above websites. The resources and the materials especially the study materials developed by more than 3 lakh teachers across the world is being uploaded, and the log in is password protected for each individual user ID. The academic career of millions of students are also now in a dilemma. Since the access to the websites is being interfered by the 2<sup>nd</sup> defendant. However, the actions of the 2<sup>nd</sup> defendant caused the entire business of the plaintiff to a standstill, and the letters issued has caused to an abrupt end of the usage of the domains websites and other incidental services received from the service providers defendant 3 to 5 rendering loss equivalent to billions of rupees. Hence the plaintiffs are under the bankruptcy.

13. The 1<sup>st</sup> plaintiff is a registered legal entity having its registered office at Ernakulam, and the 1<sup>st</sup> plaintiff is aggrieved by the illegal and arbitrary denial of access to the domain and the websites [www.getepic.com](http://www.getepic.com) and [www.playosmo.com](http://www.playosmo.com). Most of the employees and the working capital of the 1<sup>st</sup> plaintiff is situated within the jurisdiction of this Hon'ble Court.
14. It is submitted that since the plaintiffs has lost their access to the domains legitimately owned by them have now required to get a declaration, and consequential relief of permanent mandatory and prohibitory injunction from this Hon'ble Court that the 2<sup>nd</sup> plaintiff is the legal owner of the domain and the websites [www.getepic.com](http://www.getepic.com) and [www.playosmo.com](http://www.playosmo.com). The subject matter of the above case is arising out of a commercial transaction between the plaintiffs and defendants, and the plaintiffs are entitled to get a declaration, and consequential relief of permanent mandatory and prohibitory injunction from this Hon'ble Court.
15. The transactions between the plaintiffs and the defendants are exclusively commercial in nature, and therefore the subject matter of the suit is a commercial dispute under the Commercial Courts Act, 2015.



16. The plaintiffs have produced 4 documents along with the plaint and the nature and details of the same are stated in the list of documents. The document no.1 is Certificate of Incorporation of the 1<sup>st</sup> plaintiff under the Companies Act, 2013, and document no.2 is Exclusive sale and marketing agreement between the plaintiff 1 and 2, and document no.3 is the certificate of ownership declared by the Dubai Courts, and document no.4 is the email communication between the 1<sup>st</sup> plaintiff and the 6<sup>th</sup> defendant.
17. The above suit contemplates urgent interim relief against the 2<sup>nd</sup> defendant who is taking up coercive actions by way of selling the assets which is in exclusive ownership of plaintiff 1 and 2 and therefore the plaintiffs are seeking leave of this Hon'ble Court to dispense with the Pre-Institution Mediation contemplated under Section 12A of the Commercial Courts Act, and for that purpose a separate application is filed in the suit.
18. It is submitted that, the defendants 3 to 7 have completely denied access to the domains owned by the plaintiffs, at the request of the 2<sup>nd</sup> defendant, and the 2<sup>nd</sup> defendant is vexatiously trying to grab and dispose of the assets and all other tangible and intangible properties without having any authority. Therefore, interference of this Hon'ble Court is warranted by issuing temporary prohibitory injunction restraining the

respondents 3 to 7 from interfering with the access of the petitioners to the domain websites [www.getepic.com](http://www.getepic.com) and [www.playosmo.com](http://www.playosmo.com), and all other ancillary web sites and applications. If a temporary prohibitory injunction is denied, the petitioners as well as the other stake holders including thousands of students who have subscribed the service of the petitioners, and employees of the petitioners would be subjected to much difficulties and hardships.

Hence, in the interest of justice, it is humbly prayed that this Hon'ble Court may be pleased to pass a temporary prohibitory injunction restraining the respondents 3 to 7 from interfering with the access of the petitioners to the domain websites [www.getepic.com](http://www.getepic.com) and [www.playosmo.com](http://www.playosmo.com), and all other ancillary web sites and applications. The accompanying petition filed for the said purpose may kindly be allowed.

All what is stated above are true and correct.  
Dated this the 20<sup>th</sup> day of November, 2024

Deponent

Solemnly affirmed and signed before me by the deponent who is personally known to me, on this the 20<sup>th</sup> day of November, 2024 at my office in Ernakulam.

Advocate

**BEFORE THE HONOURABLE COMMERCIAL COURT  
AT ERNAKULAM**

**I.A.NO. OF 2024**

**C.S.NO. In OF 2024**

PETITIONERS/PLAINTIFFS

1. Voizzit Technology Pvt. Ltd  
(CIN U72900KL2020PTC061966)  
48/1391, 1C, Plumflower,  
Mather Constructions Pvt Ltd,  
Opposite Gold Souk, Vyttila,  
Ernakulam, Kerala, India, 682019  
Through its Managing Director Rajendran Vellappalath,  
Aged 51 years, S/o Balakrishnan Nair,  
Vellappalath House, Kanniparamba P.O,  
Mavoor Via, Kozhikode, Kerala,  
Pin – 673661.
2. Voizzit Information Technology LLC  
(Commercial License No. 1047170)  
Office No. 732, Business Village,  
B Block Deira, Dubai, UAE  
Through its Managing Director  
Rajendran Vellappalath, Aged 51 years, S/o Balakrishnan Nair,



Vellappalath House, Kanniparamba P.O,  
Mavoor Via, Kozhikode, Kerala,  
Pin – 673661.

Vs

**Respondents/ Defendants**

1. Think and Learn Pvt Ltd,  
IBC Knowledge Park,  
2<sup>nd</sup> Floor, Tower D, 4/1,  
Bannaerghatta Main Road,  
Bengaluru, Karnataka – 560029.  
Represented by its Managing Director
2. Claudia Springer,  
Age not known, As Chapter 11 Trustee,  
Novo Advisers Corporate Head Quarters,  
401 N, Franklin Street, Suite 4,  
East Chicago, Illinois - 60654,
3. Google India Pvt Ltd,  
3<sup>rd</sup> Floor, Prestige Sigma,  
No.3, Vittalmallya Road,  
Bangalore – 560001.  
Represented by its Managing Director

4. Amazon India Pvt Ltd

Through its India Head,  
Having office at 8<sup>th</sup> Floor,  
Bridge Gate Way 26/1,  
Bridge Ward Trade Center,  
Dr.Rajkumar Road,  
Bangalore – 560055  
Represented by its Managing Director

5. Microsoft Corporation (India) Pvt Ltd,

807, New Delhi House,  
New Delhi -110001.  
Represented by its Managing Director

6. Stripe Payment India Pvt Ltd,

Unit No.102, 1<sup>st</sup> Floor, Tower 1,  
One International Centre, Senapathi Bapat Marg,  
Lower Parel, Mumbai -400013  
Maharashtra.  
Represented by its Managing Director

7. Apple India Pvt Ltd,

19<sup>th</sup> Floor, Concorde Tower C, UB City, No.24,  
Vittal Mallya Road, Bengaluru – 560001.

PETITION FOR TEMPORARY PROHIBITORY INJUNCTION FILED  
UNDER ORDER XXXIX RULES 1 & 2 r/w S.151 OF THE CODE OF  
CIVIL PROCEDURE

For the reasons stated in the accompanying affidavit, it is respectfully prayed that this Hon'ble Court be pleased to pass a temporary prohibitory injunction restraining the respondents 3 to 7 from interfering with the access of the petitioners to the domain websites [www.getepic.com](http://www.getepic.com) and [www.playosmo.com](http://www.playosmo.com), and all other ancillary web sites and applications.

Dated this the 20<sup>th</sup> day of November, 2024

Counsel for the Petitioners/Plaintiffs



Counsel for the Petitioners/Plaintiffs







Presented on : 20/11/2024

**BEFORE THE BEFORE THE HONOURABLE  
COMMERCIAL COURT AT ERNAKULAM**

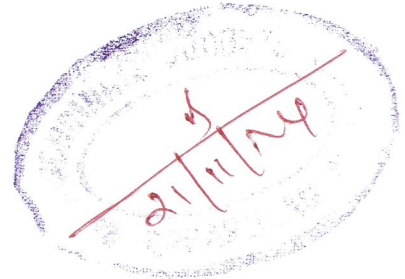
*10 2/24*  
**C.S.No. 118 of 2024**

Voizzit Technology Pvt. Ltd & anr: Plaintiff

Vs

Think and Learn Pvt Ltd & others : Defendants

PETITION FOR TEMPORARY PROHIBITORY  
INJUNCTION FILED UNDER ORDER XXXIX  
RULES 1 & 2 r/w S.151 OF THE CODE OF  
CIVIL PROCEDURE



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**SREEKUMAR G CHELUR  
COUNSEL FOR THE PLAINTIFFS**  
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